

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EDWARD PALACIOS,)
Petitioner,) No C 08-2000 VRW (PR)
vs.) ORDER
ARNOLD SCHWARZENEGGER, et al,) (Docket # 6)
Respondent(s).)

Petitioner seeks a writ of habeas corpus under 28 USC § 2254 challenging the decision of the Governor of the State of California to revoke a parole date granted him by the California Board of Prison Hearings ("BPH"). On July 21, 2008, the court ordered respondent to show cause why a writ of habeas corpus should not be granted.

Respondent now has filed a motion to stay this case indefinitely pending the en banc decision in Hayward v Marshall, 512 F3d 536 (9th Cir), reh'g en banc granted, 527 F3d 797 (9th Cir 2008). Respondent asserts that a stay is warranted on basis of judicial economy because Hayward "may" decide various issues applicable to this case. The motion for a stay (docket # 6) is DENIED because it

1 is an abuse of discretion for a district court to stay a habeas petition indefinitely
2 pending appellate resolution of a different case involving parallel issues. Yong v
3 INS, 208 F3d 1116, 1120-22 (9th Cir 2000). The time to file an answer is
4 extended to a date sixty days from the date this order is entered.

5 SO ORDERED.

6 
7 VAUGHN R WALKER
United States District Chief Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

PALACIOS,

Case Number: C08-2000 VRW

Plaintiff,

CERTIFICATE OF SERVICE

v.

ARNOLD SCHWARZENEGGER et al,

Defendant.

/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on August 20, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Edward Palacios D-27035
Correctional Training Facility
P.O. Box 689
Soledad, CA 93960

Dated: August 20, 2008

Richard W. Wiking, Clerk
By: Cora Klein, Deputy Clerk

Cora Klein